

France

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Freedom of the Press

The constitution and governing institutions in France support an open press environment, although certain laws limit aspects of press freedom in practice. Freedom of information legislation is in place, but there are exceptions to protect the reputation or rights of a third party, and requests for information are often denied.

There are strict defamation laws with fines for those found guilty; the law also punishes efforts to justify war crimes and crimes against humanity, as well as incitement to discrimination and violence. Holocaust denial is a crime under the 1990 Gayssot Act. In July 2013, the circuit court in Paris ruled that Twitter must hand over user information to authorities after a rash of anti-Semitic tweets were posted in 2012; Twitter did not comply with the ruling and faced a €38.5 million (\$50 million) lawsuit from the Union of French Jewish Students as a result. Also in July, Parliament repealed a provision of the Press Law that made insult of the president illegal and punishable by a €45,000 (\$59,000) fine. However, the repeal did not include a separate but similar provision under the law that makes defamation of public officials punishable by the same penalty.

Defamation laws are often used to pressure journalists. In April 2012, former president Nicolas Sarkozy sued the online journal *Mediapart* for running a story that claimed he had accepted millions of dollars in campaign funds in 2007 from former Libyan leader Mu'ammar al-Qadhafi. The next month, *Mediapart* in turn sued Sarkozy, alleging false accusation. The cases were ongoing in 2013. In October 2013, National Front leader Marine Le Pen threatened to sue any journalist who described her political party as “far right.” Also that month, following a complaint from the Collective against Islamophobia in France (CCIF), journalist Ivan Rioufol of *Le Figaro* was summoned to a Paris court to face criminal charges for comments he made on an RTL radio program in 2012. Rioufol said that CCIF posters featuring “predominantly bearded and veiled Muslims” with nationalistic rhetoric were a violation of French values of inclusion and secularism. In June, reporter Charles Enderlin of France 2 won a defamation case against Philippe Karsenty, the founder of a pro-Israel website, who alleged that footage the station had aired of a Palestinian boy being killed by Israeli gunfire was fake. The Paris court of appeals ruled that Karsenty’s accusations were unfounded and fined him €7,000 (\$9,200). In February, *Rue 89* journalist David Leloup was acquitted of defamation after being sued for an article written in 2010.

A law that took effect in January 2010 strengthened protection of sources in France, holding that journalists can only be compelled to reveal sources when the information is required for the investigation of a serious crime. In March 2012 the Paris court of appeals, citing a procedural technicality, rejected a case in which former prosecutor Philippe Courroye was accused of illegally obtaining the telephone records of journalists at *Le Monde* in 2010. However, after an appeal, the case was allowed to move forward in 2013; Courroye was summoned to testify in front of the High Audiovisual Council (CSA), France’s regulatory body for electronic media, in mid-November. In obtaining the journalists’ records, Courroye was seeking information about the so-called Bettencourt affair, in which then president Sarkozy and labor minister Éric Woerth were accused of receiving illegal funding from L’Oréal cosmetics heiress Liliane Bettencourt.

The accusations of illegal campaign contributions originated in another high-profile media freedom case related to the Bettencourt affair. In 2010, the center-right newsweekly *Le Point* and the leftist investigative outlet *Mediapart* had come into possession of audio recordings of conversations between Bettencourt and her financial manager, taken by her butler without their knowledge. Both outlets published excerpts of the

recordings as well as articles based on their revelations, and both were sued by Bettencourt that year for violations of her right to privacy. In July 2013, the appeals court at Versailles ruled in Bettencourt's favor and ordered that the recordings and all articles mentioning them be removed from their websites, or the outlets would face crippling fines of €10,000 (\$13,000) per day per article. Both publications complied, but *Mediapart* vowed to appeal to France's highest court, the Court of Cassation, and to the European Court of Human Rights if necessary. Dozens of civil society organizations and thousands of French citizens expressed support for *Mediapart* and decried the ruling as an act of judicial censorship. At the end of the year, the higher courts had not yet heard the *Mediapart* appeal.

While the government generally does not restrict the use of the internet, laws against copyright infringement, terrorism, and other abuses give the authorities some power to limit online activity. In September 2010, the High Authority for the Dissemination of Creative Works and Protection of Rights on the Internet (HADOPI) began operation. Under the 2009 law that created it, users who illegally download copyrighted material could have their internet access suspended for up to one year after receiving three warnings; they could also face fines or jail time for violations. In July 2013, a ministerial decree repealed the internet disconnection provision.

A 2006 antiterrorism law allows security agencies to monitor the internet for suspected terrorist activity. The 2011 Law on Guidelines and Programming for the Performance of Internal Security (LOPPSI 2) allows sites suspected of containing child pornography to be blocked without a court order. It also allows police to install or remove spyware under judicial oversight. A new military programming law passed in December 2013 gives extensive rights to government agencies to monitor the internet and phone usage of French citizens in real time. The law requires no judicial supervision, and provides for broad grounds on which to justify surveillance of an individual. Among other problems, the law potentially jeopardizes the confidentiality of journalists' sources.

In October 2013, the National Assembly passed a law giving greater independence to the CSA. The law will reduce the number of council members from nine to seven and gives these members the power to name the presidents of the three public audiovisual societies in France. Further reinforcing the CSA's independence, the law stipulates that the nation's president will appoint only the president of the council and not two constituent members, as was previously the case. The CSA had been criticized in February 2013 for issuing two warnings to state-owned France Télévisions over a report aired by France 2 on atrocities committed in the ongoing conflict in Mali; the report showed images of dead bodies for less than a minute. The CSA said the report was "liable to constitute a violation of human dignity" because it showed the images with no corresponding analysis.

Media outlets and journalists are occasionally subject to raids and attacks. In November 2013, a gunman entered the lobby of the headquarters of BFMTV and threatened a senior editor before fleeing. Three days later, the same gunman entered the offices of the daily *Libération* and opened fire, critically wounding a photographer's assistant. The suspect, who was later arrested, had left notes that referenced the "fascist" media and accused journalists of "being paid to feed lies to citizens."

The independent media are robust and express a wide range of opinions, largely without restriction. Most of France's newspapers are privately owned. There are an estimated 1,000 radio stations, and since the state monopoly on radio ended in 1982, private stations have flourished, although public broadcaster Radio France continues to be popular. Approximately 82 percent of the population accessed the internet in 2013. The economic downturn that began in late 2008 has had an effect on many outlets' financial viability. In 2011, the daily *France Soir* closed its print edition amid lagging sales and rising debts, laying off dozens of journalists. In 2012, a court ordered that the remaining online business be liquidated and its assets auctioned off in order to repay outstanding debts.

Many private media outlets—print as well as broadcast—are owned by companies with close ties to

prominent politicians and defense contractors. In 2009, advertisements were eliminated on the five public channels during prime time. The lost income was to be made up through higher taxes and licensing fees. However, revenue from taxes fell short of expectations in 2013, which put financial strain on the public channels. In August, France Télévisions announced a plan to lay off up to 600 workers due to budget cuts and the ad ban. In December, the government announced that it would extend its culture tax to Facebook, Google, YouTube, and DailyMotion on the grounds that they sell video-on-demand services. In November 2012, French tax authorities had started an investigation against Google France for tax noncompliance. The case was ongoing at the end of 2013. In February 2013, Google announced that it would pay €60 million (\$78.6 million) for a “Digital Publishing Innovation Fund,” in addition to support for advertising strategies, to appease French publishers who wanted the search engine to pay for the right to display their news content in its search results.

2014 Scores

Press Status

Free

Press Freedom Score

(0 = best, 100 = worst)

22

Legal Environment

(0 = best, 30 = worst)

5

Political Environment

(0 = best, 40 = worst)

10

Economic Environment

(0 = best, 30 = worst)

7